



Maine Human Rights Commission

51 State House Station - Augusta, ME 04333

Patricia E. Ryan
Executive Director

John P. Gause
Commission Counsel

COMMISSION MEETING MINUTES

Senator Conference Center (Best Western) Embassy Room
284 Western Ave ~ Augusta, Maine

April 12, 2010

Commissioner Vestal called the April 12, 2010 Commission meeting to order at 8:31 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Joe Perry, and A. Mavourneen Thompson.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case E08-0614: Adam Roy (Hollis) v. Maine Drilling & Blasting, Inc. (Gardiner) be tabled from the Agenda at the request of the parties.
- Executive Director Patricia Ryan requested that H09-0579 April Beliveau (Norway) v. Ernest Maberry (S Paris) be removed from the Agenda due to settlement between parties.
- Executive Director Patricia Ryan requested that Conciliation Agreement in PA07-0106/107 be added to the Agenda.

Commissioner Chandler moved, seconded by Commissioner Perry to adopt the agenda as amended. 4 in favor | 0 opposed.

CONSENT AGENDA *(see detailed listing on page 5)*

Commissioner Chandler moved, seconded by Commissioner Perry, to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed.

MINUTES

Commissioner Chandler moved, seconded by Commissioner Perry, to adopt the March 1st Commission Meeting Minutes. 4 in favor | 0 opposed.

QUARTERLY PROGRAM REVIEW

- Inventory Status Report & Resolutions: There were 636 open cases at the end of March 2010. The Commission closed 168 cases during the preceding quarter. 52 of those cases were closed providing some benefit to Complainants. The monetary amount recovered for Complainants during that time period was \$622,317.
- Training/Education: Commissioners reviewed Compliance Officer Fran Davis' Third quarter report and it was placed on file.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.

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- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

ADMINISTRATION

- Personnel Report: Executive Director Patricia Ryan reviewed the report, dated April 5, 2010, indicating no significant staffing changes.

COMPLIANCE

- Compliance Report: Commissioners reviewed Fran Davis' report and it was placed on file.

Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in Smith v. Waterville Regional Arts & Community Center, Kennebec Valley Dental Coalition, Inc. d/b/a The Community Dental Center (Waterville, ME). 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry to dismiss the reasonable grounds case Rocque v. Lester as the matter has been resolved between the parties. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry to dismiss the reasonable grounds case Leonard v. Atlantic Motorcar Services, Inc. as the matter has been resolved between the parties. 4 in favor | 0 opposed.

8:40 AM: Commissioner Fredette arrived at the meeting

INVESTIGATION

- New Charges: Commission staff opened 58 new cases in March.
- Administrative Dismissals: Commission staff administratively dismissed 24 cases in March.
- Pre-determination Settlements: During the months of March, investigators were responsible for obtaining settlements in 6 cases resulting in a total monetary relief in excess of \$115,134.

NEW BUSINESS:

Executive Director Patricia Ryan announced the upcoming 40th anniversary of the Maine Human Rights Act, and discussed plans to organize a banquet to take place in May of 2011.

Executive Director Patricia Ryan advised the Commission office move is still pending and advised currently no funding has been identified to build a meeting space on the first floor of the new building.

At 8:42 Chair Vestal called for a 10 minute recess.

CASES VOTED ON:

E08-0404: Sharon Mantell (Greenbush) v. Sargent Corporation (Stillwater): Attorney Chad Hansen restated the position of the Complainant. Attorney Frank McGuire restated the position of the Respondent. Field Investigator Robert Beauchesne restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Complainant was subjected to discrimination in employment on the basis of sex when she was not hired by the Respondent, Sargent Corporation, in 2008. 4 in favor | 1 opposed (Vestal opposed).

The following case was taken out of order to accommodate the schedule of an interpreter.

H09-0546(A-D): Alla Shuper (Portland) v. Federal Management Co., Inc. et al (Portland). Alla Shuper restated the position of the Complainant. Attorney Paula Seal restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Fredette moved to find reasonable grounds to believe that the Respondents, Federal Management Company, Inc., Codman Portland Associates, Peter Lewis, John Desjardins and Rebecca Chandler discriminated against Complainant, Alla Shuper, on the basis of mental disability in the price, terms, conditions or privileges of housing, or that the Respondents denied Complainant a reasonable accommodation that she needed for her mental disability. The motion was not seconded. Motion failed. Commissioner Chandler moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the Respondents, Federal Management Company, Inc., Codman Portland Associates, Peter Lewis, John Desjardins and Rebecca Chandler discriminated against Complainant, Alla Shuper, on the basis of mental disability in the price, terms, conditions or privileges of housing, or that the Respondents denied Complainant a reasonable accommodation that she needed for her mental disability. 4 in favor | 1 opposed (Fredette opposed).

E08-0661: Alvin Harris, Sr (MD) v. City of Portland, E08-0661-A: Alvin Harris, Sr. (MD) v. K. Sprague (Portland): Complainant was not present. Attorney Mary Costigan restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Perry to reopen the case for investigation. 2 in favor | 3 opposed (Vestal, Chandler, Fredette opposed). Motion Failed. Commissioner Fredette moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondents, City of Portland and Kevin Sprague, discriminated against Complainant, Alvin Harris Sr., in the terms and conditions of his employment because of his race and color. 4 in favor | 1 opposed (Thompson opposed).

E09-0243: Joyce Brannen (Kennebunk) v. Community Partners, Inc. (Biddeford): Joyce Brannen restated the position of the Complainant. Attorney Anne Cunningham restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Community Partners, Inc., failed to provide Complainant, Joyce Brannen, with a reasonable accommodation. 5 in favor | 0 opposed

At 10:44 a.m. Commissioner Fredette left the meeting.

E/H09-0577: Joni Laskey (Biddeford) v. Bagley Management, Inc. (Gray): Complainant was not present. Respondent Roy Bagley was present. Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that Respondents, Bagley Management and Roy Bagley, subjected Complainant, Joni Laskey to unlawful discrimination under the Maine Human Rights Act. 4 in favor | 0 opposed.

H09-0504: Jessica & Damon Ramsay (Scarborough) v. Jameson Woods Condominium Assn et al (Old Orchard Beach): Jessica Ramsay restated the position of the Complainant. Attorney Chris Neagle and Attorney Phillip Coffin restated the position of the Respondents. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Perry, to find **reasonable grounds** to believe that the Respondents, Jameson Woods Condominium Associates and R&E Associates discriminated against Complainants, Jessica and Damon Ramsey, by denying their request for a service animal on behalf of their tenants. 3 in favor | 1 opposed (Thompson opposed).

Commissioner Chandler moved, seconded by Commissioner Perry, to find no reasonable grounds to believe that the Respondents, Bonnie Craigs, Claudette Ouelette, Alex Greenwald, Thomas Hinkley, or Kate Lampron discriminated against Complainants, Jessica and Damon Ramsey, by denying their request for a service animal on behalf of their tenants. 3 in favor | 1 opposed (Thompson opposed).

Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondents, Bonnie Craigs, Claudette Ouelette, Alex Greenwald, Thomas Hinkley, or Kate Lampron discriminated against Complainants, Jessica and Damon Ramsey or retaliated against Complainants for requesting a service animal on behalf of their tenants. 3 in favor | 1 abstained (Thompson abstained).

Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondent Robert Keegan discriminated against Complainants, Jessica and Damon Ramsey or retaliated against Complainants for requesting a service animal on behalf of their tenants. 3 in favor | 1 abstained (Thompson abstained).

Commissioner Chandler moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Respondents, Jameson Woods Condominium Associates and R&E Associates retaliated against Complainants for requesting a service animal on behalf of their tenants. 3 in favor | 1 opposed (Thompson opposed).

LITIGATION: Commissioners agreed to move this item to Executive Session.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Thompson to move into executive session at 11:33 a.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

Commissioner Thompson moved, seconded by Commissioner Perry, to move out of executive session at 11:50 p.m. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Thompson that the Commission **should not file** a complaint in E08-0140: Helen Hoglund v. Verizon Communications, Inc. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Thompson that the Commission **should not file** a complaint in E08-0335, Henry D. Kane v. VSI Meter Services, Inc. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Thompson that the Commission **should not file** a complaint in E08-0347/0351, Jody Manzer & Everett Peary v. Town of Anson. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Thompson that the Commission **should not file** a complaint in E08-0544/0545 Crystal Weyant v. Harbor Management Corporation & Labor Ready Northeast, Inc. 4 in favor | 0 opposed.

OLD BUSINESS: Commissioners discussed options for public input for the proposed draft education guidance. The Commission agreed they would seek public comment before further consideration of the substance of the guidance, but decided not to take further action at this time.

ADJOURN:

There being no further business to come before the Commission, the meetings was adjourned at 1:05 p.m.

CONSENT AGENDA:

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

E08-0329:	Terry Dellarma (Smithfield) v. Skowhegan SNF Ops. d/b/a Cedar Ridge (Hermon)	RG
E08-0615:	Laverne Gethers (Westbrook) v. CASA, Inc. (Westbrook)	NRG
PA08-0665:	Sandra Walker (NJ) v. State of Maine/Somerset County DA's Office (Skowhegan)	NRG